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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,867	01/18/2002	Joseph G. Buehl	43314/236951	5358

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EXAMINER	
SHEPARD, JUSTIN E	
ART UNIT	**PAPER NUMBER**
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/053,867	BUEHL ET AL.	
	Examiner	Art Unit	
	Justin E. Shepard	2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 October 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to the amended claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 5, 6, 9, 10, 12-15, and 17-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jerding in view of Goode in view of Tash.

Referring to claim 1, Jerding discloses a server comprising computer readable medium for storing an asset (figure 2, part 22), wherein said asset has a structure combining both related content and data for distribution and service implementation in a digital cable system (figure 2; column 3, lines 40-48), said asset comprising:

a metadata object (column 5, lines 2-10; column 9, lines 63-66), wherein the metadata object further comprises an application program identifier identifying one of a plurality of application programs executing in a cable headend (column 5, lines 2-10; column 9, lines 31-39), wherein said one of a plurality of application programs is associated with processing the asset and wherein the structure is understood by the

application program identified by the application program identifier (column 5, lines 2-10); and

a content object, storing as a result of said one of a plurality of application programs configured to interpret the metadata object and wherein the metadata object identifies the content object (column 3, lines 40-48 and 60-63; figure 2, parts 19, 20 and 21).

Jerding does not disclose a computer wherein the content object represents data to be stored in one of a plurality of content servers in a cable headend based upon instructions originating from the one of a plurality of application programs;

wherein the server is a staging server.

In an analogous art, Goode teaches a computer wherein the content object represents data to be stored in one of a plurality of content servers in a cable headend based upon instructions originating from the one of a plurality of application programs (figure 1; column 3, lines 27-34).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the content routing taught by Goode to the system disclosed by Jerding. The motivation would have been to enable the content being transmitted from the content providers to be stored in the correct servers at the headend (Jerding: figure 2; column 3, lines 60-63).

Jerding and Goode do not disclose a system wherein the server is a staging server.

In an analogous art, Tash teaches a system wherein the server is a staging server (figure 3, parts 300 and 302).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the staging server taught by Tash to the system disclosed by Jerding and Goode. The motivation would have been to allow for streaming content to be held and then transferred to the appropriate server for later distribution to the users.

Claims 9 and 19 are rejected on the same grounds as claim 1.

Referring to claim 5, Jerding discloses a asset of claim 1, wherein the content object represents data selected from the group comprising an MPEG file, an executable file, an HTML page, and a JPEG image (column 5, lines 33-38; column 3, lines 40-48).

Referring to claim 6, Jerding discloses an asset of claim 1, wherein the metadata object identifies the content object as a movie (column 5, lines 2-10).

Referring to claim 10, Jerding discloses a system of claim 9, further comprising an asset management system located in the cable headend comprising the first application program processing the data related to the content to identify the application program associated with the application identifier (column 5, lines 2-10; column 9, lines 31-39).

Referring to claim 12, Jerding and Goode do not disclose a system of claim 10, wherein the asset management system resides between the application program and the staging server such that the staging server and application program are in indirect communication.

In an analogous art, Tash teaches a system of claim 10, wherein the asset management system resides between the application program and the staging server such that the staging server and application program are in indirect communication (figure 3).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the staging server controller taught by Tash to the system disclosed by Jerding and Goode. The motivation would have been to allow for streaming content to be held and then transferred to the appropriate server for later distribution to the users.

Referring to claim 13, Jerding and Goode do not disclose a system of claim 10, wherein the asset management system is operable to instruct the content server to request at least a portion of the content from the staging server.

In an analogous art, Tash teaches a system of claim 10, wherein the asset management system is operable to instruct the content server to request at least a portion of the content from the staging server (figure 3, parts 300 and 302).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the staging server taught by Tash to the system disclosed by Jerding and

Goode. The motivation would have been to allow for streaming content to be held and then transferred to the appropriate server for later distribution to the users.

Referring to claim 14, Jerding discloses a system of claim 9, wherein the application is operable to identify the content server based upon the data related to the content (column 5, lines 2-10; column 9, lines 31-39).

Referring to claim 15, Jerding and Goode do not disclose a system of claim 9, wherein the content server receives at least a portion of the content from the staging server.

In an analogous art, Tash teaches a system of claim 9, wherein the content server receives at least a portion of the content from the staging server (figure 3, parts 300 and 302).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the staging server taught by Tash to the system disclosed by Jerding and Goode. The motivation would have been to allow for streaming content to be held and then transferred to the appropriate server for later distribution to the users.

Referring to claim 17, Jerding discloses a system of claim 9, wherein the application comprises a provisioning user interface to allow a user to identify the at least one server to receive at least a portion of the content (column 10, lines 27-29).

Referring to claim 18, Jerding discloses a system of claim 17, wherein the provisioning user interface allows a user to specify rules for distributing at least a portion of the content to the content server (column 10, lines 27-29).

Claim 20 is rejected on the same grounds as claim 15.

Claim 21 is rejected on the same grounds as claim 15.

Claim 22 is rejected on the same grounds as claims 10 and 13.

Referring to claim 23, Jerding does not disclose a method of claim 20, wherein the step of examining the related data by the application further comprises the step of identifying the one of a plurality of content servers that should receive at least a portion of the content based upon rules associated with the application.

In an analogous art, Goode teaches a method of claim 20, wherein the step of examining the related data by the application further comprises the step of identifying the one of a plurality of content servers that should receive at least a portion of the content based upon rules associated with the application (figure 1; column 3, lines 27-34).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the content routing taught by Goode to the system disclosed by Jerding. The motivation would have been to enable the content being transmitted from the content providers to be stored in the correct servers at the headend (Jerding: figure 2; column 3, lines 60-63).

Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jerding, Goode and Tash as applied to claim 1 above, and further in view of Hall.

Referring to claim 2, Jerding, Goode and Tash do not disclose an asset of claim 1, further comprising an embedded asset, such that the asset is recursive.

In an analogous art, Hall teaches an asset of claim 1, further comprising an embedded asset, such that the asset is recursive (figure 6).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the recursive asset, comprising at least one embedded object, taught by Hall in the system disclosed by Jerding, Goode and Tash. The motivation would have been to allow for one file to contain multiple programs, therefore simplifying the transmission process.

Referring to claim 3, Jerding, Goode and Tash do not disclose an asset of claim 2, wherein the embedded asset further comprises at least one embedded content object.

In an analogous art, Hall teaches an asset of claim 2, wherein the embedded asset further comprises at least one embedded content object (figure 6).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the recursive asset, comprising at least one embedded object, taught by Hall in the system disclosed by Jerding, Goode and Tash. The motivation would have

been to allow for one file to contain multiple programs, therefore simplifying the transmission process.

Referring to claim 4, Jerding, Goode and Tash do not disclose an asset of claim 2, wherein the embedded asset further comprises at least one embedded metadata object.

In an analogous art, Hall teaches an asset of claim 2, wherein the embedded asset further comprises at least one embedded metadata object (figure 6, "PROPERTY 3").

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the recursive asset taught by Hall in the system disclosed by Jerding, Goode and Tash. The motivation would have been to allow for one file to contain multiple programs, therefore simplifying the transmission process.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jerding, Goode and Tash as applied to claim 1 above, and further in view of Shteyn.

Referring to claim 7, Jerding, Goode and Tash do not disclose an asset of claim 1, further comprising a machine readable description file that further identifies the content object.

In an analogous art, Shteyn teaches an asset of claim 1, further comprising a machine readable description file that further identifies the content object (figure 2; column 3, lines 44-45).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the content description file taught by Shteyn to the method disclosed by Jerding, Goode and Tash. The motivation would have been to enable that the correct content gets stored on the correct server.

Referring to claim 8, Jerding, Goode and Tash do not disclose an asset of claim 7, wherein the machine readable description file comprises XML.

In an analogous art, Shteyn teaches an asset of claim 7, wherein the machine readable description file comprises XML (figure 2; column 3, lines 44-45).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the content description file taught by Shteyn to the method disclosed by Jerding, Goode and Tash. The motivation would have been to enable that the correct content gets stored on the correct server.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jerding, Goode and Tash as applied to claim 10 above, and further in view of Dunn.

Referring to claim 11, Jerding, Goode and Tash do not disclose a system of claim 10, wherein the asset management system maintains a database associating the content and the data related to the content using the machine reasonable description file.

In an analogous art, Dunn teaches a system of claim 10, wherein the asset management system maintains a database associating the content and the data related to the content using the machine reasonable description file (column 2, lines 48-59).

At the time of the invention, it would have been obvious for one or ordinary skill in the art to add the content database taught by Dunn to the method disclosed by Jerding, Goode and Tash. The motivation would have been to enable the users to quickly search for content to use of view using the on demands services.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jerding, Goode, and Tash as applied to claim 9 above, and further in view of Williams.

Referring to claim 16, Jerding, Goode and Tash do not disclose a system of claim 9, wherein the content server requests the at least a portion of the content from the staging server using File Transfer Protocol (FTP).

In an analogous art, Williams teaches a system of claim 9, wherein the content server requests the at least a portion of the content from the staging server using File Transfer Protocol (FTP) (column 6, lines 1-9).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the FTP transfer taught by Williams to the method disclosed by Jerding, Goode and Tash. The motivation would have been to use a known protocol to save costs on developing a proprietary protocol.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Kelley/
Supervisory Patent Examiner, Art Unit 2424

JS